

MONTANA LEGISLATIVE HISTORY

Chapter 464 2003
19

Bill H _____ S 450

Original bill & history 1 C

H. Committee on Bus. 1205

Hearing Date(s) 3/28 1 C

4/01 1 C

_____ C

_____ C

Date Out _____ C

S. Committee on Bus. 405

Hearing Date(s) 2/25 1 C

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Did this bill originate in an interim committee? _____ Yes 1 No

Committee _____

Report _____

MINUTES

MONTANA SENATE 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: By **CHAIRMAN DALE MAHLUM**, on February 25, 2003 at 8:04 A.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Dale Mahlum, Chairman (R)
Sen. Mike Sprague, Vice Chairman (R)
Sen. Sherm Anderson (R)
Sen. Vicki Cocchiarella (D)
Sen. Kelly Gebhardt (R)
Sen. Ken (Kim) Hansen (D)
Sen. Bob Keenan (R)
Sen. Sam Kitzenberg (R)
Sen. Glenn Roush (D)
Sen. Don Ryan (D)
Sen. Carolyn Squires (D)

Members Excused: Sen. Fred Thomas (R)

Members Absent: None.

Staff Present: Sherrie Handel, Committee Secretary
Eddy McClure, Legislative Branch

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: SJR 27, 2/22/2003; SB 457,
2/21/2003; SB 430, 2/17/2003; SB
391, 2/13/2003; SB 450, 2/20/2003;
SB 458, 2/22/2003
Executive Action: SB 415; SB 402; SB 349; SB 341; SJR
27; SB 444; SB 457; SB 450; SB 391;
SB 430, SB 458

{Tape: 1; Side: A}

consequences arising from the bill. **Mr. Kemp** replied in the negative.

SEN. RYAN asked **Mr. Kemp** about child/staff ratios. **Mr. Kemp** explained under his department's rule making authority they attempted to address the issue by seeking input, however there was no interest. To date, the rule has not been written. **SEN. RYAN** asked for an approximate date for completion. **Mr. Kemp** stated the issue is very important to the department, and it is still being pursued.

CHAIRMAN MAHLUM asked **SEN. MANGAN** to explain the amendments he submitted. **SEN. MANGAN** explained the amendments are fairly technical in nature, but important to the bill.

SEN. SPRAGUE asked **SEN. MANGAN** to explain amendment number seven.

SEN. MANGAN deferred to **Mr. Kemp**. **Mr. Kemp** deferred to **Ms. Fleming-Sieventhaler**. **Ms. Fleming-Sieventhaler** stated the language is based upon national standards. A brief discussion followed regarding interpretation of the amendment.

CHAIRMAN MAHLUM asked **Ms. Fleming-Sieventhaler** to address amendment number three. **Ms. Fleming-Sieventhaler** said there should not be a colon in the statement.

Closing by Sponsor:

{Tape: 4; Side: A; Approx. Time Counter: 1.9 - 3.9}

SEN. MANGAN stated, in response to **SEN. RYAN's** concerns about staffing ratios, this is another reason for this bill. He emphasized the importance of protecting children.

HEARING ON SB 450

Sponsor: **SENATOR VICKI COCCHIARELLA**

Proponents: **Oliver Goe, Attorney, Montana Municipal Insurance Authority**
Aidan Myhre, Montana Chamber of Commerce
Jerry Driscoll, AFL/CIO
Nancy Butler, Montana State Fund
Larry Jones, Liberty Northwest
Riley Johnson, National Federation of Independent Businesses
Barry "Spook" Stang, Executive Vice President, Montana Motor Carriers

Jacqueline Lenmark, American Insurance
Association
George Wood, Executive Secretary, Montana
Self-Insurers Association
Keith Olson, Montana Logging Association
Cory Swanson, Coventry First

Opponents: Al Smith, Montana Trial Lawyers Association
Larry Anderson, Attorney, Great Falls
Lee A. Miller, self, in absentia
Allan McGarvey, Attorney
Lon Dale, Attorney
Dean Blackman, Attorney
Don Judge, Teamsters Local 190
Gene Fenderson, Montana Progressive Labor
Caucus

Informational Witnesses: Kevin Braun and Jerry Keck, Department
of Labor and Industry

Opening Statement by Sponsor:

{Tape: 4; Side: A; Approx. Time Counter: 4.5 - 13.9}

SEN. VICKI COCCHIARELLA, SD 36, Missoula, brought forward a bill which revises laws related to workers' compensation. She explained the reason for the bill, and that it represents a compromise. SEN. COCCHIARELLA outlined each of the four aspects of the bill, noting how each strengthens the workers' compensation law.

SEN. COCCHIARELLA submitted amendments to the Committee EXHIBIT(bus42a12) (SB045001.aem), and an example of how a claim might be computed EXHIBIT(bus42a13).

Proponents' Testimony:

{Tape: 4; Side: A; Approx. Time Counter: 14.2 - 25.7}

Oliver Goe, Attorney, Montana Municipal Insurance Authority, conveyed support for the bill. He outlined the various sections of the bill, and noted the purpose for each.

Aidan Myhre, Montana Chamber of Commerce, stated her organization represents over 700 businesses in Montana who are very interested in workers' compensation issues. Collectively, the members believe this bill improves workers' compensation law and is therefore supported by them.

Jerry Driscoll, AFL/CIO, conveyed his organization's support for the bill. He expressed concern over an attorney receiving thirty-five percent (35%) of a claim, and noted the reason for the other sections.

Nancy Butler, Montana State Fund, expressed the support of her organization for the bill.

Larry Jones, Liberty Northwest, stated his organization joins in the comments of previous proponents.

Riley Johnson, National Federation of Independent Businesses, expressed support for the bill.

Barry "Spook" Stang, Executive Vice President, Montana Motor Carriers, conveyed his organization's support for SB 450.

Jacqueline Lenmark, American Insurance Association, expressed her appreciation and support for the bill.

George Wood, Executive Secretary, Montana Self-Insurers Association, expressed his organization's strong support for the bill.

Keith Olson, Montana Logging Association, in support.

Cory Swanson, Coventry First, in support.

Opponents' Testimony:

{Tape: 4; Side: A; Approx. Time Counter: 25.8 - 28.8}

{Tape: 4; Side: B; Approx. Time Counter: 4 - 17.6}

Al Smith, Montana Trial Lawyers Association, addressed each section of the bill, noting the strength and weakness of each.

Larry Anderson, Attorney, Great Falls, expressed opposition to the bill. **Mr. Anderson** explained the common fund approach. He also submitted testimony on behalf of **Lee A. Miller EXHIBIT(bus42a14)**.

Lee A. Miller, self, in absentia, submitted written testimony.

Allan McGarvey, Attorney, stated he represented the plaintiff in the first workers' compensation common fund case. He spoke to the reasons for the common fund doctrine.

Lon Dale, Attorney, Missoula, stated his office represented Kevin

Rousch with three other firms. He explained the costs associated with representation are prohibitive, and they would prefer that aspect of the bill be eliminated.

Dean Blackman, Attorney, stated whatever is gained in efficiency by allowing workers' compensation representatives to speak with doctors, will be lost in fundamental fairness and the trust of workers. He also addressed the impairment rating for pain.

Don Judge, Teamsters Local 190, stated his organization joins in the concerns of **Mr. Blackman**.

Gene Fenderson, Montana Progressive Labor Caucus, expressed his organization's opposition to the bill with the exception of benefit increases.

Informational Witness Testimony:

{Tape: 4; Side: B; Approx. Time Counter: 17.8 - 18.}

Kevin Braun, Department of Labor and Industry, stated he and **Jerry Keck** were present to answer any questions Committee members may have.

Jerry Keck, Department of Labor and Industry.

Questions from Committee Members and Responses:

{Tape: 4; Side: B; Approx. Time Counter: 18.1 - 18.7}

SEN. SPRAGUE, referring to proponent testimony suggesting employers will be made vulnerable to lawsuits, asked **Mr. Braun** to address that concern. **Mr. Braun** stated he thought **Mr. Smith's** assertion arose from the possibility of the exclusive remedy not attaching. **Mr. Braun** stated, in this situation, he does not know how realistic that prospect is.

Closing by Sponsor:

{Tape: 4; Side: B; Approx. Time Counter: 18.8 - 20.2}

SEN. COCCHIARELLA outlined various aspects of other bills presently before the body which address coordinating issues.

EXECUTIVE ACTION ON SB 450

{Tape: 4; Side: B; Approx. Time Counter: 21 - 23.8}

Motion: SEN. SPRAGUE moved that SB 450 DO PASS.

Discussion:

Motion: SEN. SPRAGUE moved SB 045001.AEM .

Ms. McClure explained the amendments offered by SEN.
COCCHIARELLA.

Motion/Vote: SEN. SPRAGUE moved that SB 045001.AEM DO PASS.
Motion carried 9-0.

Motion/Vote: SEN. SPRAGUE moved that SB 450 DO PASS AS AMENDED.
Motion carried 8-1 with RYAN voting no.

EXECUTIVE ACTION ON SB 391

{Tape: 4; Side: B; Approx. Time Counter: 24.5 - 27.4}

Motion: SEN. SPRAGUE moved that SB 391 DO PASS.

Discussion:

Motion/Vote: SEN. SPRAGUE moved that SB 039101.ace,
EXHIBIT(bus42a15) DO PASS. Motion carried 7-0.

SEN. RYAN explained one problem day cares have is staffing. He
is concerned the bill may put some people out of business.

Motion/Vote: SEN. SPRAGUE moved that SB 391 DO PASS AS AMENDED.
Motion carried 6-1 with MAHLUM voting no.

HEARING ON SB 458

Sponsor: SENATOR WALTER McNUTT

Proponents: Carl Maehl, citizen, in absentia
Irv Sternberg, citizen, in absentia
Stan Kaleczyc, Attorney, Northwestern
Corporation
John Fitzpatrick, Northwestern Corporation
Bob Nelson, Montana Consumer Council

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: By **CHAIRMAN JOE MCKENNEY**, on March 28, 2003 at 8:00 A.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Joe McKenney, Chairman (R)
Rep. Jim Keane, Vice Chairman (D)
Rep. Donald Steinbeisser, Vice Chairman (R)
Rep. Bob Bergren (D)
Rep. Rod Bitney (R)
Rep. Sylvia Bookout-Reinicke (R)
Rep. Nancy Fritz (D)
Rep. Dave Gallik (D)
Rep. Kathleen Galvin-Halcro (D)
Rep. Ray Hawk (R)
Rep. Bob Lawson (R)
Rep. Rick Maedje (R)
Rep. Gary Matthews (D)
Rep. Scott Mendenhall (R)
Rep. Penny Morgan (R)
Rep. Allen Rome (R)
Rep. Sandy Weiss (D)
Rep. Bill Wilson (D)

Members Excused: None.

Members Absent: None.

Staff Present: Bart Campbell, Legislative Branch
Alberta Strachan, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: SB 450 (3/27/03); SB 282
(3/27/03); SB 360 (3/27/03); SJR 17
(3/27/03)

Executive Action: SJR 17 Be Concurred In As Amended;
SB 304 Be Concurred In As Amended;
SB 282 Be Concurred In As Amended;
SB 360 Be Concurred In

HEARING ON SB 450

Sponsor: SEN. VICKI COCCHIARELLA, SD 32, Missoula

Opening Statement by Sponsor:

SEN. COCCHIARELLA said this bill revises laws related to workers' compensation. It provides for disclosure and communication of health care information for workers' compensation purposes without prior notice to the injured employee. This bill bars attorney fees under the common fund doctrine and excludes impairment ratings based exclusively on pain. It increases the permanent partial disability benefit maximum entitlement from 350 to 375 weeks. She also provided a breakdown of the earnings of a person 41 years old and the benefits they would have received.

EXHIBIT(buh66a01)

{Tape: 1; Side: A; Approx. Time Counter: 26 - 141}

Proponents' Testimony:

Bob Pavlovich, representing himself, said he supports the bill.

{Tape: 1; Side: A; Approx. Time Counter: 141 - 143}

Oliver Goe, Attorney at Law, Montana Municipal Insurance Authority, said they provided workers' compensation. He explained the changes in the bill.

{Tape: 1; Side: A; Approx. Time Counter: 143 - 212}

Jerry Driscoll, Montana AFL-CIO, said this bill will speed up the process of getting information by a claims adjuster to acquire information from a doctor regarding a client's case.

{Tape: 1; Side: A; Approx. Time Counter: 212 - 251}

Aidan Myhre, Montana Chamber of Commerce, said workers' compensation continues to be one of the issues that rises to the top every year regarding the concerns among employers. A group of individuals put together a list of things that could be improvements in the workers' compensation system. The issues they finally determined to be the most important are the issues found in this bill.

{Tape: 1; Side: A; Approx. Time Counter: 251 - 276}

Larry Jones, Liberty Northwest, said he supports this bill.

{Tape: 1; Side: A; Approx. Time Counter: 276 - 282}

Jacqueline Lenmark, American Insurance Association, said they supports this bill.

{Tape: 1; Side: A; Approx. Time Counter: 282 - 290}

Nancy Butler, Montana State Fund, said the National Council on Compensation Insurance (NCCI) sets workers' compensation rates in a substantial number of states. They set those rates up for the private carriers. NCCI priced this legislation as having a 1.3% to 1.7% rate impact.

{Tape: 1; Side: A; Approx. Time Counter: 290 - 308}

Bob Worthington, CEO, Montana Municipal Insurance Authority, said workers' compensation is a serious issue for cities. This bill is a compromise to assist them in managing those issues for communities, and they support this bill.

{Tape: 1; Side: A; Approx. Time Counter: 308 - 314}

Riley Johnson, NFIB, said they support this legislation.

{Tape: 1; Side: A; Approx. Time Counter: 314 - 321}

Spook Stang, Executive Vice President, Montana Motor Carriers, said they support this bill.

{Tape: 1; Side: A; Approx. Time Counter: 321 - 324}

Steve Turkiewicz, Montana Auto Dealers Association, said they support this bill.

{Tape: 1; Side: A; Approx. Time Counter: 324 - 330}

George Wood, Executive Secretary, Montana Self Insurers Association, said they strongly support this bill.

{Tape: 1; Side: A; Approx. Time Counter: 330 - 337}

Don Allen, Cenex, said they support this bill.

{Tape: 1; Side: A; Approx. Time Counter: 337 - 340}

Shaun Bubb, Director, Insurance Services, Montana School Boards Association, said they support this bill. It is a good compromise bill and will be a good step forward for both sides.

{Tape: 1; Side: A; Approx. Time Counter: 340 - 346}

Carl Schweitzer, Subcontractors Association, said they support this bill.

{Tape: 1; Side: A; Approx. Time Counter: 346 - 354}

Opponents' Testimony:

Larry Anderson, Attorney at Law, Great Falls, said he wanted to emphasize the issues and terms of ex-party communications between doctors and insurance adjusters. He also spoke of the common fund issue.

{Tape: 1; Side: A; Approx. Time Counter: 354 - Tape: 1, Side: B; Approx. Time Counter: 31}

Charley Fish, Townsend resident, said he is an injured worker. He said he opposes this bill because the average person does not have complete knowledge of the law and how things are written in regard to legal assistance. He stated that the injured worker should be able to seek counsel and let an attorney represent the workers to deal with the issues regarding their cases.

{Tape: 1; Side: B; Approx. Time Counter: 31 - 46}

Don Judge, Teamsters Local 190, said they are opponents of the bill.

{Tape: 1; Side: B; Approx. Time Counter: 46 - 88}

Al Smith, Montana Trial Lawyers Association, provided testimony from Allan M. McGarvey, Attorney at Law, Kalispell.

EXHIBIT(buh66a02)

{Tape: 1; Side: B; Approx. Time Counter: 88 - 130}

Informational Testimony:

Jerry Keck, Administrator, Employment Relations Division, Department of Labor & Industry, said they would be available for questions from the Committee.

Questions from Committee Members and Responses:

REP. MORGAN asked Ms. Butler if there was a 1.5% rate increase in worker's compensation. Ms. Butler said it is primarily the additional weeks of permanent-partial coverage.

{Tape: 1; Side: B; Approx. Time Counter: 130 - 149}

REP. BOOKOUT-REINICKE asked the Sponsor if these new procedures apply to current cases. SEN. COCCHIARELLA said, according to the effective date, this bill will only apply to workers after July 1, 2003.

{Tape: 1; Side: B; Approx. Time Counter: 149 - 162}

REP. MATTHEWS asked the Sponsor to explain the common fund to the Committee. **SEN. COCCHIARELLA** said an attorney who is retained by a worker goes to court and wins a benefit. They have a relationship and a contract between them. When that attorney goes to court and wins something that could apply to other injured workers, that attorney then goes to the judge and receives a decision that he gets common-fund benefits as compensation for being the attorney. From any other worker that this attorney has never met or had a contractual agreement with, money comes from the increased benefit the unrelated attorney has been able to gain for the initial worker.

{Tape: 1; Side: B; Approx. Time Counter: 162 - 222}

REP. FRITZ asked Mr. Smith about the privacy issue problem. **Mr. Smith** said the concern with the privacy issue does not say the clients cannot talk to treating physicians. Prior to meeting with the claimant, notice must be given to the claimant and his counsel that A Notice To Counsel is issued.

{Tape: 1; Side: B; Approx. Time Counter: 222 - 247}

REP. WEISS asked Mr. Smith about the common fund. **Mr. Smith** said they were funds which had been gained from a court case involving a claimant which was due him and he didn't ever receive the benefits.

{Tape: 1; Side: B; Approx. Time Counter: 247 - 300}

REP. GALLIK asked Mr. Driscoll why a claimant's benefits were not based exclusively on pain. **Mr. Driscoll** said he did not know.

{Tape: 1; Side: B; Approx. Time Counter: 300 - 446}

REP. BOOKOUT-REINICKE asked Mr. Driscoll if dues could be paid to two different unions. **Mr. Driscoll** said they could but it was rare.

{Tape: 1; Side: B; Approx. Time Counter: 446 - 500}

REP. MAEDJE asked Ms. Butler about an effective date. **Ms. Butler** said July 1, 2004.

{Tape: 1; Side: B; Approx. Time Counter: 500 - 507}

Closing by Sponsor:

The Sponsor closed.

{Tape: 2; Side: A; Approx. Time Counter: 1 - 279}

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: By **CHAIRMAN JOE MCKENNEY**, on April 1, 2003 at 10:00 A.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Joe McKenney, Chairman (R)
Rep. Jim Keane, Vice Chairman (D)
Rep. Donald Steinbeisser, Vice Chairman (R)
Rep. Bob Bergren (D)
Rep. Rod Bitney (R)
Rep. Sylvia Bookout-Reinicke (R)
Rep. Nancy Fritz (D)
Rep. Dave Gallik (D)
Rep. Kathleen Galvin-Halcro (D)
Rep. Ray Hawk (R)
Rep. Bob Lawson (R)
Rep. Rick Maedje (R)
Rep. Gary Matthews (D)
Rep. Scott Mendenhall (R)
Rep. Penny Morgan (R)
Rep. Allen Rome (R)
Rep. Sandy Weiss (D)
Rep. Bill Wilson (D)

Members Excused: None.

Members Absent: None.

Staff Present: Bart Campbell, Legislative Branch
Alberta Strachan, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: SB 402 (3/27/03); SB 389 (3/27/03);
SB 432 (3/27/03)

Executive Action: SB 349 Be Concurred In As Amended;
SB 450 Be Concurred In; SB 415
Table; SB 432 Be Concurred In but
withdrawn

HEARING ON SB 402

Sponsor: SEN. VICKI COCCHIARELLA, SD 32, Missoula

Opening Statement by Sponsor:

SEN. COCCHIARELLA said this bill is an act creating the Montana Mortgage Broker and Loan Originator Licensing Act. It provides definitions, establishes licensing requirements, requires record retention, surety bonds and the maintenance of trust accounts. This bill also prohibits certain activities and provides penalties. It authorizes rule-making by the Department of Administration and provides for suspension, revocation, and reinstatement of licenses, and provides an immediate effective date. **SEN. COCCHIARELLA** also supplied a copy of a newspaper article.

EXHIBIT(buh69a01)

{Tape: 1; Side: A; Approx. Time Counter: 28 - 65}

Proponents' Testimony:

Christie Blazer, Montana Association of Mortgage Brokers, supplied written testimony on the Montana Mortgage Broker Licensing Act.

EXHIBIT(buh69a02)

{Tape: 1; Side: A; Approx. Time Counter: 65 - 146}

Cindy Rigler, President, Montana Association of Mortgage Brokers, Livingston, provided testimony regarding the Montana Association of Mortgage Brokers.

EXHIBIT(buh69a03)

{Tape: 1; Side: A; Approx. Time Counter: 146 - 202}

Pam Adams, Guardian Mortgage, Billings, provided testimony on the Good Faith Estimate.

EXHIBIT(buh69a04)

{Tape: 1; Side: A; Approx. Time Counter: 202 - 284}

Kathy Meyer, Premier Mortgage, Billings, said she was responsible for the education of members of the Montana Association of

Questions from Committee Members and Responses:

REP. BOOKOUT-REINICKE asked Mr. Brown what the cost of an appraisers license is for two years. Mr. Brown said it is \$200. {Tape: 2; Side: B; Approx. Time Counter: 187 - 215}

Closing by Sponsor:

The Sponsor closed.

{Tape: 2; Side: B; Approx. Time Counter: 250 - 254}

EXECUTIVE ACTION ON SB 349

{Tape: 2; Side: B; Approx. Time Counter: 254 - 500}

Motion: REP. MENDENHALL moved that SB 349 BE CONCURRED IN.

Discussion:

REP. KEANE indicated he wants this bill tabled.

REPS. ROME, STEINBEISSER and McKENNEY support this bill.

REP. WILSON opposes this bill.

Motion/Vote: REP. MAEDJE moved that SB 349 BE AMENDED. A roll call vote was taken. Motion carried 13-5 with REPS. McKENNEY, STEINBEISSER, BITNEY, HAWK, ROME voting no.

Motion/Vote: REP. MAEDJE moved that SB 349 BE CONCURRED IN AS AMENDED. A roll call vote was taken. Motion carried 13-5 with REPS. BERGREN, BOOKOUT-REINICKE, GALLIK, LAWSON, WILSON voting no.

REP. ROME will carry this bill on the House Floor.

EXECUTIVE ACTION ON SB 450

Motion: REP. KEANE moved that SB 450 BE CONCURRED IN.

Discussion:

REP. GALLIK opposes the bill.

REP. KEANE supports the bill.

Vote: A roll call vote was taken. Motion carried 12-6 with REPS. BOOKOUT-REINICKE, FRITZ, GALLIK, GALVIN-HALCRO, WEISS, WILSON voting no.

CHAIRMAN McKENNEY will carry this bill on the House Floor.

EXECUTIVE ACTION ON SB 415

Motion: REP. MORGAN moved that SB 415 BE CONCURRED IN.

Discussion:

CHAIRMAN McKENNEY said he opposes this bill.

Motion: REP. LAWSON moved that SB 415 BE AMENDED.

EXHIBIT(buh69a11)

Discussion:

REP. MORGAN asked REP. LAWSON if his amendment will benefit more than one or two golf courses. REP. LAWSON indicated it would.

REPS. BOOKOUT-REINICKE and GALLIK oppose this amendment. (Exhibit 11)

Motion/Vote: REP. BOOKOUT-REINICKE moved that A CONCEPTUAL AMENDMENT TO CHANGE FEE OF \$20,000 TO \$5,000 BE ADOPTED FOR SB 415. A roll call vote was taken. Motion failed 4-14 with REPS. BOOKOUT-REINICKE, GALLIK, HAWK and MORGAN voting aye.

Motion/Vote: REP. BOOKOUT-REINICKE moved amendments, #1, #2, #3, #5 to SB 415. A roll call vote was taken. Motion failed 9-9 with REPS. McKENNEY, STEINBEISSER, BERGREN, BITNEY, MAEDJE, ROME WILSON, LAWSON and MORGAN voting aye.

EXHIBIT(buh69a12)

Motion/Vote: REP. BOOKOUT-REINICKE moved that SB 415, #4 BE AMENDED. A roll call vote was taken. Motion failed 5-13 with REPS. McKENNEY, BOOKOUT-REINICKE, GALLIK, LAWSON and MORGAN voting aye. (Exhibit 12)

Motion/Vote: REP. ROME moved that SB 415 BE AMENDED. A roll call vote was taken. Motion carried 9-9 with REPS. MCKENNEY, BERGREN, BOOKOUT-REINICKE, FRITZ, GALLIK, GALVIN-HALCRO, LAWSON, WEISS and WILSON voting aye.

EXHIBIT(buh69a13)